

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichige (JP 7-33365 A).

Re: **Claim 1**, Ichige discloses an elevator cab construction for increasing interior cab size of elevator cab including:

- a) shell panels (walls 3) forming the interior walls of the cab with a ceiling (inherently) and platform (11);
- b) stiffeners (wall joints 4) on the interior of the shell panels to provide suitable support;
- c) vertical corner trim stiffeners (corner joint 5) in the corners of the cab supporting the shell panels; and
- d) decorative panels (decorative material 3') mounted on the shell panels (3) on the interior of the cab and mounted between the stiffeners (wall joints 4 and corner joints 5).

Re: **New Claim 12**, Ichige discloses wherein each of said decorative panels are mounted on said shell panels on the interior of said cab and mounted between one of said stiffeners on the interior of said shell panels and one of said vertical stiffeners (Fig.'s 2 – 3 & 6, Mach. Transl. Para. 0010 & 0026).

Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamura (JP 2002-265171 A).

Re: **Claim 1**, Yamamura discloses an elevator cab construction for increasing

interior cab size of elevator cab including:

- a) shell panels (4 and 24, Fig. 4) forming the interior walls of the cab with a ceiling (inherently) and platform (2);
- b) stiffeners (7, 11, 4b, 15; Fig. 2) on the interior of the shell panels (4) to provide suitable support;
- c) vertical corner trim stiffeners (7, 11, 35; Fig. 2) in the corners of the cab supporting the shell panels; and
- d) decorative panels (5) mounted on the shell panels (via 6, 7 and 12, Fig. 3 and 6, 7 and 32, Fig. 4) on the interior of the cab and mounted between the stiffeners (4/15, 7/35, Mach. Transl. Para. 0034, 0036 & 0044).

Re: **New Claim 12**, Yamamura discloses wherein each of said decorative panels are mounted on said shell panels on the interior of said cab and mounted between one of said stiffeners on the interior of said shell panels and one of said vertical stiffeners (Fig.'s 2 & 6 – 7, Mach. Transl. Para. 0033 - 0034).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roponen et al (WO 97/09265) in view of Mäkimattila et al (5,454,449).

Re: **Claims 1 and 12**, Roponen et al disclose an elevator cab construction including:

- a) shell panels (38 and 32, Fig.'s 1 & 6 - 7) forming the interior walls of a cab with a ceiling and platform (58);

- b) stiffeners (23) on the interior of the shell panels to provide suitable support,
- c) vertical corner trim stiffeners (3) in the corners of the cab supporting the shell panel, and
- d) decorative panels (7) mounted on the shell panels on the interior of the cab and mounted to the stiffeners (23 and 3); however,

Roponen et al discloses their panels (7) mounted to the outer faces of the stiffeners (3 and 23) instead of mounted between them.

Mäkimattila et al teach an elevator cab which is commonly assigned to the Kone elevator company, wherein Mäkimattila et al teach a first embodiment in Figure 1, which has a single decorative panel (wall element 6) spanning all of the stiffeners (3 and 33) along an elevator wall, and a second embodiment in Figure 2, which has individual decorative panels (14) mounted between each pair of the stiffeners (3 and 33) of an elevator wall.

It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the elevator cab of Roponen et al by replacing the single, large decorative panels (7) which span the outer faces of the stiffeners along a wall, with smaller panels, each located between a pair of stiffeners, as using a single large panel and using smaller individual panels are art recognized equivalents, taught by Mäkimattila et al.

Furthermore, the smaller panels would also be cheaper to manufacture and easier to replace for maintenance or remodeling.

Re: **Claim 2**, Roponen et al disclose the shell panels (38) have openings (42) to the elevator shaft to provide ventilation through the openings in the stiffeners (3 and 23).

Re: **Claim 3**, Roponen et al disclose the stiffeners (3 and 23) are vertical and separate strips of stiff material attached vertically (integrally) to the shell panels.

Re: **Claim 4**, Roponen et al disclose (and Mäkimattila et al) disclose the decorative panels as approximately the same thickness as the vertical stiffeners.

Re: **Claim 5**, Roponen et al disclose the vertical stiffeners (3 and 23) are channel-shaped, as channel shaped is a broad term.

Re: **Claim 6**, Roponen et al disclose a floor platform with a base section (24) supporting the decorative panels from below; however, Roponen et al are silent with respect to said panels being attached to a ceiling by a transom riser section.

Nevertheless, it would have been obvious to one of ordinary skill at the time the invention was made by applicant to use a section similar to a base section (24) to attach the decorative panels from above at the ceiling as a predictable variation that one of ordinary skill in the art would recognize as no more than the predictable use of prior art elements according to their established functions because all of the elements are old and well known and are being used in the combination according to their established functions and in a predictable manner.

When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under § 103. KSR v. Teleflex, 550 U.S. 398 at 421 (2007).

Claims 1, 7 – 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohnsack (3,381,438) in view of Roponen et al.

Re: **Claims 1 and 7**, Bohnsack discloses a wall construction including:

- a) shell panels (panels 4) forming the interior walls, wherein said panels comprise a panel material (Col. 3, L. 30 – 34 & 42 - 48; Fig. 3)
- b) vertical stiffeners (frame posts 2 or 6, Fig. 2) on the interior of the shell panels to provide suitable support, wherein said stiffeners are hat-shaped,
- c) vertical corner trim stiffeners (corner structure 145; see figure 6) supporting the shell panel,

d) decorative panels (5) mounted on the shell panels (4) and mounted between the stiffeners, wherein his decorative panels are of "... steel clad gypsum board...[whereby] the face sheet 21 may be prime coated and the backup sheet 32 may be flash coated, galvanized or prime coated..." (Col. 4, L. 27 – 35; Fig. 3) and "... the panels butt together snugly in a fine single joint... and ... which [have] an extremely handsome appearance with such single line joints..." (Col. 2, L. 22 – 23 & L. 26 - 27); however,

though Bohnsack discloses his shell panels (4) are attached to the ceiling and platform by a base (84) and transom (201) which channel-shaped and offset outwardly from the vertical plane of the shell panels (4) toward the elevator interior (as they extend outwardly on both sides of the shell panels), Bohnsack is silent with respect to his wall construction is for assembling an elevator cab.

Attention is directed to Roponen et al who teach a similar wall construction wherein his wall construction is for assembling an elevator cab.

It would have been obvious to one of ordinary skill at the time the invention was made by applicant to use the wall construction method of Bohnsack to construct related walls, such as walls in an elevator cab, as suggested and rendered obvious by Roponen et al.

Re: **Claim 8**, Bohnsack discloses his decorative panels (5) are approximately the same thickness as the vertical stiffeners (2 or 6).

Re: **New Claim 12**, Bohnsack discloses wherein each of said decorative panels (5) are mounted on said shell panels (4) on the interior of the cab of Roponen et al and mounted between one of said stiffeners on the interior of said shell panels and one of said vertical stiffeners (Fig.'s 2 & 6).

Response to Arguments

Applicant's arguments filed 8 July 2011 with respect to **Claim 1** have been fully considered but they are not persuasive.

Applicant's arguments are predominantly based on the instant invention as disclosed or intended – not the invention as claimed – and are solely directed to the invention of **Claim 1**.

For example, in critiquing the prior art of Ichige, Yamamura, Bohnsack and Roponen et al, and Examiner's interpretations thereof, applicants states that the prior art "... does not disclose or suggest an elevator cab construction for increasing interior cab size of elevator cab" (Page 10, 4th para., Page 13, 3rd para., Page 16, 3rd para. and Page 20, final para.).

Applicant makes a similar argument with respect to the stiffeners of the respective piece of prior art, as interpreted by Examiner, as to the ability of each "... to provide suitable support" (Page 12, 1st and 2nd para., Page 14, 2nd para., Page 21, 3rd para. and Page 23, 1st para.)

With respect to a lack of explicit disclosure *for increasing interior cab size of elevator cab* as well as *to provide suitable support*, intended use and other types of functional language must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

In as much as the cited references disclose the elements and their interdependent relationship/orientation of the invention(s) as claimed, the prior art is capable of *increasing interior cab size of elevator cab* as well as *to provide suitable support*. Furthermore, the intended use of providing suitable support is quite broadly expressed, certainly with respect to the modified "suitable", and, again, the claim recites "...stiffeners on the interior of said shell panels *to provide suitable support*", which the respective, interpreted elements of Ichige, Yamamura, Bohnsack and Roponen et al afford.

Therefore, in that the prior art structure is capable of performing the intended use, it meets the claim.

In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto, 136 USPQ 458, 459 (CCPA 1963).

Applicant's arguments with respect to the interpreted stiffeners of Yamamura not affording the *suitable support*, because the stiffeners as interpreted "... appear merely ornamental and nowhere in Yamamura are the parts 7 and 15 described in any way as ... to provide suitable support"... the part 15 identified in the Office Action as a "stiffener" appears to be merely part of the decorative joint 12 ..." (Page 14, 2nd – 3rd para.)

In response, and as depicted and disclosed by Yamamura, the interpreted stiffeners comprise both a threaded portion (11 of 7) and a "central lute" (15, Mach. Transl. Pg. 12/13, final para.) wherein said threaded portion is fixedly connected to the shell panels (4) and the central lute covers the edges of the decorative panels (5), thereby providing *suitable support*.

Applicant proceeds to apply his interpretation(s) of what applicant views as providing *suitable support* in the disclosure of Yamamura (Pg. 15, 1st para.); however, and again, such is applicant's interpretation in view of the invention as intended - not necessarily the invention as claimed.

Additionally, applicants assertion that Yamamura fails to disclose "... decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" is incorrect, in that the decorative panels of Yamamura are indeed disclosed as mounted in accordance with the claim language. Applicant concludes this statement with "at least for the reason that stiffeners are not provided", which is again reflective of applicant's interpretation and intended function/structure of the stiffeners.

With respect to Mäkimattila et al in the combination with Roponen et al, whereby applicant argues commencing in the final paragraph of Page 17 that Mäkimattila et al

"...does not disclose "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1... [in

that] the individual decorative panels (14) are mounted on the outermost portion of the structures (33), asserted by the Examiner to be the stiffeners, and not on the wall panels; nor are the individual decorative panels (14) "mounted between said stiffeners" as the panels are mounted on the outermost portion of the structures 33 and extending to the edge of the structure 33 so as to hide it from view, and thus are not "mounted between said stiffeners" as required by the claim",

the outermost portions of the shell panels (1) that form a c-channel are legs (3 and 330 of said channel and are thereby interpretable as the stiffeners of the claimed invention. That one of the legs is found along an end of said panel and thereby, potentially, a corner of a wall and elevator car, does not preclude its relevance in view of the claim language and is inconsequential to the claim language.

Furthermore, as to the interpreted panels (14) not being "*mounted between said stiffeners*" is not persuasive in view of the interpreted panels spanning and connecting, in essence, said stiffeners, to which said panels are fastened (by elements 12).

As a final response with respect to Mäkimattila et al, applicant's argument on Page 19, 1st para., that "... Mäkimattila does not disclose "decorative panels mounted on said shell panels on the interior of said cab and mounted **between** said stiffeners" as required by claim 1 (emphasis added)" is, again, in contradiction to the disclosure of Mäkimattila, In that the interpreted panels are mounted on the interpreted shell panels, between the interpreted stiffeners and within an interior of a cab.

Therefore, as to "... applicants also request the Examiner to provide an affidavit or declaration setting forth specific factual statements and an explanation to support the finding as required by 37 C.F.R. 1.104(d)(2)", Examiner does not consider such to be required in view of the broadness of the claim language and the interpretable disclosures of the prior art in meeting the claim(s).

Therefore, applicant's arguments with respect to Mäkimattila et al are not persuasive.

With respect to Bohnsack who "...merely describes a system for mounting decorative parts, and Bohnsack relates generally "to an interior wall system for use in commercial, industrial, institutional and apartment buildings" and not particularly to elevator cabs" (Page 21, 1st para.), Bohnsack is relevant in view of the claim language and the field(s) of endeavor.

That applicant views the invention of Bohnsack as "... a "reusable wall system" which is not applicable to the art of elevator cab design' is countered by a review of Bohnsack and his applicability to the instant invention as claimed and disclosed. That the wall system of Bohnsack is to be reusable and therefore is not pertinent to a wall system comprising removable, decorative panels is not convincing.

In fact, Examiner views Bohnsack to be quite pertinent and of related art.

Applicant's argument that the "frame posts 2 or 6 are not on the interior of the shell panels, but within the walls of Bohnsack, as shown in Figure 2 and described by Bohnsack... Col. 4, lines 52-62", said posts are disclosed as being on an interior of the shell panels as they span and interconnect the shell- and decorative panels.

As included in the rejections above in reviewing the disclosure of Bohnsack in meeting the "decorative panels" of applicant's invention as claimed, the modifier "decorative" is quite broad and open to interpretation, which Bohnsack meets by the "... extremely handsome appearance with such single line joints..."

Finally, applicant's comment that "Not only has a new search been performed, but the aggressive application of the references under a broad interpretation of the claims is particularly unreasonable in view of the BPAI decision" (Page 24, penultimate para.) is fully appreciated; however, upon further review by parties other than the original Examiner, the discovery of prior art that was evidently not previously considered, as well as the outstanding broadness of the claim language, a requirement to more narrowly claim applicant's invention remains.

With respect to **Claims 2 – 6 and 8**, applicant has not argued the rejections; rather, applicant has reiterated the lack of anticipation and teachings of the cited prior art of record with respect to independent **Claim 1**.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugawara (JP 0 162 388 A), Kuzutani et al (JP 11 349 260 A), Mattlar et al (EP 788 996 A2) and Endo (JP 03 192 088 A) are cited for cab construction of pertinence to the invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFAN KRUEER whose telephone number is (571)272-5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen, can be reached on 571.272.6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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